



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,711	08/08/2003	F. Paul Valenti JR.	4027 P 009	3509

7590 09/09/2004

Wallenstein & Wagner, Ltd.
53rd Floor
311 S. Wacker Drive
Chicago, IL 60606-6630

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/637,711

Applicant(s)

VALENTI, F. PAUL

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01122004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al. (US 5,653,472) in view of Mosher, Jr. (US 5,973,600).

Huddleston et al. discloses a printable form having a detachable wristband and labels, as shown in Figures 1-12A, said form being comprised of a first portion, defined as Part #16, that includes a detachable wristband, defined as Part #12, and a second portion, defined as Part #18, that is connected to said first portion by a perforation line, as shown in Figure 10, and includes a liner reinforcing layer, defined as Part #24, and a second layer with die cut detachable labels, defined as Part #14, that is mounted on said liner layer, as shown in Figure 2, by means of a pressure sensitive adhesive, defined as Part #28. Said first portion is further comprised of a first printable layer, defined as Part #22, and a second reinforcing layer, defined as Part #24, as shown in Figures 1 and 2. A release coating, defined as Part #26, can also be located on one of said layers, as described in lines 61-63 of column 3. An adhesive, defined as Part #28, is also positioned in order to bond two ends, defined as Parts #30 and 32, of said wristband into a continuous band, as shown in Figures 12 and 12A.

Huddleston et al., as set forth above, discloses all of the features claimed except for the use of an electronic identifier in the form of a radio frequency identification device (RFID) that is incorporated into a wristband.

Mosher, Jr. discloses a radio frequency identification device, as shown in Figures 1-16, said device, defined as Part #50, being incorporated into a wristband, defined as Part #10, as shown in Figures 4 and 5, between a first layer, defined as Part #30, and a second reinforcing layer, defined as Part #32. Said radio frequency identification device can be in the form of a readable and writable circuit, as described in lines 57-60 of column 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a radio frequency identification device incorporated in a wristband, as taught by Mosher, Jr., in combination with the printable form having a detachable wristband and labels for the purpose of providing a printable wristband with an electronic identifier that is built into said wristband prior to printing, thus eliminating the step of incorporating said electronic identifier into said wristband after the printing process.

Allowable Subject Matter

3. Claim 20 is allowed.
4. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beigel (US 6,181,287) discloses a RFID circuit that is mounted on a flexible substrate in order to form an RFID tag. Brady et al. (US 6,100,804) discloses an RFID tag in the form of a wristband.

6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

September 7, 2004

LARS A. OLSON
PATENT EXAMINER



9/7/04